

# 5316 DALTON



BUILDING AND STANDARDS BOARD AGENDA ITEM # 5 FOR  
WEDNESDAY OCTOBER 28, 2009

DEVELOPMENT SERVICES  
BUILDING PERMITS AND INSPECTIONS

MEMORANDUM  
October 15, 2009

TO: The Honorable Chairman and Board Members

THROUGH: Victor Q. Torres. – The Director for Development Services

FROM: Bill Stern, C.B.O., Chief Building Inspector

SUBJECT: 5316 Dalton Ave. El Paso, Texas 79924

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated August 28, 2009. The single family dwelling was built in 1958. Upon investigation it was found open, abandoned, vandalized and being used as harborage by unwanted persons and as a hangout place by area students. The carpet and vinyl floor covering have sustained some damage from lack of basic maintenance. The ceiling membrane shows signs of roof leaks and water damage. Some of the windows are broken and will need to be replaced. Exterior siding is deteriorated and shows signs of dry rot due to lack of basic maintenance and exposure to the elements.
- 2) A certified condemnation letter was mailed to Mrs. Diana K, Oldham and all interested parties
- 3) Certified notices of the public hearing scheduled for October 28, 2009, were mailed to the owners and all interested parties on October 14, 2009.
- 4) As of October 14, 2009, \$2,881.40 in current taxes is owed.

The owners have been notified of the violations at this property, to date there has been no response or corrective action taken, and therefore the department recommends that it be found:

- 1) That the structures be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the structures are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structures' certificate of occupancy be revoked; and
- 4) That the main structure can be repaired; and
- 5) That the main structure be secured within thirty (30) days and maintained secure until rehabilitated; and
- 6) That the accessory structure be demolished within thirty (30) days; and
- 7) That the premises be cleaned and maintained clean of all weeds, trash, and debris within thirty (30) days; and
- 8) That upon failure by the owner or any other interested party to comply with the order of the Building and Standards Commission the City may take whatever action is necessary to bring the property into compliance, and place a lien on the property for the work which will be done by the City.

DEVELOPMENT SERVICES DEPARTMENT  
September 1, 2009

**NOTICE OF VIOLATION**

Diana K Oldham  
5316 Dalton Ave.  
El Paso, Texas 79924-7208

Re: 5316 Dalton Ave.  
Blk: 42 Tobin Park  
Lot: 28  
Zoned: R4  
BSC09-00650  
Mail Receipt #:  
7008 1300 0001 0407 9983

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.50, Property Maintenance Code, which states:

**18.50.106.1 General.**

When a structure or equipment is found by the Director to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure or equipment shall be condemned pursuant to the provisions of Chapter 2.38 of this code.

The El Paso Municipal Code Chapter 18.50 International Property Maintenance Code defines unsafe structure as follows:

**18.50.106.1.1 Unsafe Structures.**

An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

**18.50.106.1.2 Unsafe Equipment**

Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within the structure that is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

**18.50.106.1.3 Structure Unfit for Human Occupancy.**

A structure is unfit for human occupancy whenever the Director finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth or contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public

The structure located at **5316 Dalton Ave., El Paso, Texas, 79924** is in violation of the requirements found in the following sections of the 2003 International Property Maintenance Code as adopted in the El Paso City Code, Chapter 18.50, Property Maintenance Code:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements. [Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises are full of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structure needs to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of all trash and debris within (30) days from receipt of this letter. [Sec. 108.2]
- k. The repairs to the structural elements and/or service systems referred to in the previous sections must be completed within 30 days of your receipt of this letter. If, due to the scope and complexity of the work more time is needed, you must make this request to the Building and Standards Commission at a hearing scheduled by this department.

As a result of the aforementioned violations, the following action may be taken:

- a. This case is being submitted to the City Building and Standards Commission for unsafe structures proceedings. The City Building and Standards Commission will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Chapter 2.38 of the El Paso Municipal Code.
- b. By authority of Chapter 18.02.103.9.3 of the El Paso Municipal Code the electrical service at this property may be disconnected at the request of the Building Permits and Inspections Department because of Electrical Code violations.

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 541-4800.

Robert Gonzalez  
Building Inspector

RG/nms

## **NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 5:30 p.m. on the **28th** day of **October, 2009** in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the Building and Standards Commission of El Paso (the "**Commission**") will hold a public hearing on the question of whether the building located on the property at **5316 Dalton Ave.**, in El Paso, Texas, which property is more particularly described as:

**Legal Description: Lot 28, Block 42, TOBIN PARK, ADDITION UNIT TWO, an addition to the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 5, Plat Records of El Paso County, Texas**

is unsafe and dangerous, because of the following violations:

- a. The floors have not been maintained in a safe manner. [Sec. 305.4]
- b. The walls have not been maintained in a safe manner free of holes and cracks. [Sec. 304.6]
- c. The roof structure has not been maintained free of defects that may cause leaks. [Sec. 304.7]
- d. The means of egress is/are inadequate and do not meet minimum code requirements.[Sec. 702.4]
- e. The plumbing system is inadequate and does not meet minimum code requirements. [Sec. 504.1]
- f. The electrical system is inadequate and does not meet minimum code requirements. [Sec. 604.3]
- g. The HVAC system is inadequate and does not meet minimum code requirements. [Sec. 603.1]
- h. The structure is open and accessible to unauthorized entry. [Sec. 301.3]
- i. The premises shall be maintained in a clean, safe and sanitary condition free of weeds, trash, and debris [Sec. 302.1 & Sec. 302.4].
- j. The structures need to be secured from unwanted entry and ongoing vandalism, and the premises need to be cleaned of trash and debris within (30) days from receipt of this letter. [Sec. 108.2]

According to the real property records of the County of El Paso, Diana K. Oldham, 5316 Dalton Avenue, El Paso, Texas, 79924, GECU of El Paso, P. O. Box 20998, El Paso, Texas, 79998 and GECU, 7227 Viscount Blvd., El Paso, Texas, 79925 (the **"Owners"**) are listed as the owners of the real property described herein.

According to the real property records of El Paso County, you own or have an interest in the real property described in this notice. If you no longer own or have an interest in the property, you must execute an affidavit stating that you no longer own or have an interest in the property and stating the name and last known address of the person who acquired the property or interest from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Building Standards Enforcement Division of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice.

The Owners of said property are hereby ordered to appear before the Building and Standards Commission and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before the Commission at said date, hour, and place to show cause why said building should not be declared a nuisance and ordered to be abated. The Owners, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Title 18, as mandated by Section 18.50 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the Owners, lien holders, mortgagees, or any other person having an interest in the property must present to the Commission any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to the Commission at this hearing.

The time periods, which govern the completion of work ordered by the commission, are outlined in Chapter 2, Subsection 2.38.080 of the Municipal Code of the City of El Paso, and pursuant to State law.

If the Owners fail, neglect or refuse to comply with the order of the Commission the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owners, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owners for failure to repair, remove or demolish said building in an amount not to exceed \$1,000.00 a day for each violation, or \$10.00 a day if the Owners show that the property is the Owner's lawful homestead; and
- III) appoint a receiver as permitted by state law; and

IV) any other remedies permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full;

The City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

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Cynthia S. Osborn  
Assistant City Attorney

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Bill Stern, C.B.O.  
Chief Building Official  
Building Permits and Inspection Department



I, RICHARDA DUFFY MOMSEN, City Clerk of the City of El Paso, hereby certify that a true and correct copy of the foregoing Notice regarding the property located at 5316 Dalton Ave. was PUBLISHED in the official City newspaper on the \_\_\_\_ day of \_\_\_\_\_, 2009.

Richarda Duffy Momsen

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was HAND-DELIVERED to:

City of El Paso  
C/O City Clerk  
#2 Civic Center Plaza  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Diana K. Oldham  
5316 Dalton Ave.  
El Paso, Texas 79924-7208

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

GECU of El Paso  
P. O. Box 20998  
El Paso, Texas 79998-0998

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

GECU  
7227 Viscount Blvd  
El Paso, Texas 79925

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Anderson, Anderson & Bright, P.C.  
Steven E. Anderson  
1533 Lee Trevino, Ste. #205  
El Paso, Texas 79936

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Mr. and Mrs. John Spagnotti  
5316 Dalton  
El Paso, Texas 79924

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Diana Kay & John A Spagnotti  
3415 Pershing Dr  
El Paso, Texas 79903

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Texas Commerce Bank National Association  
Consumer Loan Operations  
P. O. Box 19120  
Houston, Texas 77224-8070

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Associated Financial Services  
Company of Texas Inc.  
1301 South Bowen Road  
Arlington, Texas 76013

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Lisa Yohler  
Irwin Mortgage Corp.  
P. O. Box 6107  
Indianapolis, IN 46206

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

American Release Corp.  
13099 State Highway 13  
P. O. Box 458  
Kimberling City, MO 65686

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe  
AKA Tigua Indian Community  
119 S. Old Pueblo Road  
El Paso, Texas 79907

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso Central Appraisal District  
5801 Trowbridge Ave.  
El Paso, Texas 79925

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

El Paso County Probate Court  
500 E. San Antonio Avenue, Suite 703  
El Paso, Texas 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice regarding the property at 5316 Dalton Ave. was MAILED CERTIFIED-RETURN RECEIPT REQUESTED to:

Delgado, Acosta, Spencer  
Linebarger, Heard & Perez, LLP  
Attn: Bonnie Cooper  
221 N. Kansas Suite 1400  
El Paso, TX 79901

Date:  
Time:

Inspector

I certify that a true and correct copy of the foregoing Notice was POSTED at 5316 Dalton Ave., El Paso, Texas.

Date:  
Time:

Inspector



# UNSAFE STRUCTURES REPORT

## BUILDING PERMITS AND INSPECTIONS

**DATE OF EXAMINATION:** August 28, 2009

**REP. DISTRICT:** 4

**ADDRESS:** 5316 Dalton Ave.

**ZONED:** R - 4

**LEGAL DESCRIPTION:** Lot 28, Block 42, TOBIN PARK, ADDITION UNIT TWO, an addition to the City of El Paso, El Paso County, Texas, according to the Plat thereof, recorded in Volume 2, Page 5, Plat Records of El Paso County, Texas

**OWNER:** Diana K Oldham

**ADDRESS:** 5316 Dalton Ave.  
El Paso, Texas 79924-7208

**BUILDING USE:** Abandoned single family dwelling

**TYPE OF CONSTRUCTION:** V Wood Frame walls with brick veneer and siding

**FOOTINGS:** Unable to determine.

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FOUNDATION WALL:** Concrete.

**CONDITION:** Unable to determine condition of footing due to subterranean placement. A structural engineer should be hired to evaluate actual condition.

**FLOOR STRUCTURE:** Concrete with tile and/or carpet covering

**CONDITION:** Fair. A structural engineer or registered contractor must be hired to evaluate the flooring system.

**EXTERIOR WALLS:** Wood frame walls with brick veneer and siding.

**HEIGHT:** 10' to 12" +/-

**THICKNESS:** 8' to 10" +/-

**CONDITION:** Fair. A structural engineer should be hired to evaluate structural elements of the building and submit a report on the corrections required to make the building safe.

**INTERIOR WALLS & CEILINGS:** Sheetrock on wood frame.

**CONDITION:** Fair. The walls and ceilings will require repairs.

**ROOF STRUCTURE:** Wood frame, gable shingled.

**CONDITION:** Fair. A registered roofing contractor or building contractor must be hired to evaluate the roofing system and submit a report of required corrections to bring the roof system into code compliance.

**DOORS, WINDOWS, ETC.:** Wood frame doors and windows some metal frame windows.

**CONDITION:** Fair. Several windows are broken and doors are in disrepair making them inoperable. Will need to repair or replace all doors and windows, so they are operational and meet egress requirements.

**MEANS OF EGRESS:** Does not meet minimum code requirements.

**CONDITION:** Poor. Several doors and some windows must be replaced to meet minimum requirements.

**PLUMBING:** Unknown. A licensed plumber should be hired to evaluate the plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code requirements.

**ELECTRICAL:** Unknown. A licensed electrician should be hired to evaluate the plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code requirements.

**MECHANICAL:** Unknown. A licensed mechanical contractor should be hired to evaluate the plumbing system and submit a report to this department on the corrective action required to bring the system up to minimum code requirements.

**IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED:** None

**WARNING POSTED:** Yes

**BARRICADED:** No

**POLICE AID REQD.:** No

**REMARKS:** The open and abandoned single family dwelling built in 1958, was found open, abandoned, ransacked, in some disrepair and being used as harborage by vagrants. The department recommends that the structure be secured within 30 days, the tin accessory structure be demolished and the property be cleaned of all weeds, trash and debris within 30 days.

Robert Gonzalez

**Building Inspector**

**CITY OF EL PASO  
ENVIRONMENTAL SERVICES**



**M E M O R A N D U M**

**DATE:** September 30, 2009

**MEMO TO:** William Stern C.B.O., Residential Inspector Supervisor

**FROM:** Carlton Brown, Assoc. Code Compliance Insp.

**SUBJECT:** Condemnation Report # BSC09-00650  
COD09-22104

**RE:** 5316 Dalton, 42 Tobin Park, Lot 28

An inspection of the property was conducted on 9/29/09 and the conditions checked were in reference to of Title 9 - Health and Safety, El Paso Municipal Code.

**SECTION 9.04 - SOLID WASTE MANAGEMENT: STORAGE AREA N/A**

**SECTION 9.04.340 – ACCUMULATIONS:** Insulation pieces, Wood Panels, Piles of mulch including leaves, branches, and trash. This is on the left side of the dwelling in the rear, wood pallets on the other side of the house.

**SECTION 9.16 – NUISANCE: N/A**

**SECTION 9.16.010 – DESIGNATED:** This is a single dwelling home, front yard good condition. Rear yard has grass accumulation over 12". One of the turn handle window is ajar but the screen is in tack. Checked the front door it is not locked

**SECTION 9.28 -RAT CONTROL:** Possible rat infestation on the left side rear of the home.